

United States District Court

WESTERN

DISTRICT OF PENNSYLVANIA

JAMES KEITT V. U.S. PAROLE COMMISSION

APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

CASE NUMBER: 04-cv-00362E

I, JAMES KEITT, declare that I am the (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> petitioner/plaintiff | <input type="checkbox"/> movant (filing 28 U.S.C. 2255 motion) |
| <input type="checkbox"/> respondent/defendant | <input type="checkbox"/> other |

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in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows: The District Court's decision is clearly erroneous as it does not recognize the Parole Board's reliance on inaccurate information in the state of reasons used to substantiate denial of parole. Because the decision is based on inaccurate information it cannot constitute a rational basis for denial of parole.

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

I am employed as an orderly at FCI McKean in Bradford, Pennsylvania. This prison job assignment pays an average monthly stipend of \$40.00. See Attached Statement of Prisoner Account.

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

- | | |
|--|---|
| a. Business, profession or other form of self-employment | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| b. Rent payments, interest or dividends? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| c. Pensions, annuities or life insurance payments? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| d. Gifts or inheritances? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| e. Any other sources? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

AO 240 Reverse

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

See Statement of Prisoner Account, attached.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/3/06
(Date)

James Keitt.
Signature of Applicant

CERTIFICATE
(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months the applicant's average balance was \$ _____

Authorized Officer of Institution

ORDER OF COURT

The application is hereby denied

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge

Date

United States Judge
or Magistrate

Date

Inmate Inquiry

Inmate Reg #:	05240016	Current Institution:	McKean FCI
Inmate Name:	KELLY, JAMES	Housing Unit:	C
Report Date:	09/01/2006	Living Quarters:	001-1111
Report Time:	10:03:50 AM		
General Information Account Balances Commissary History Commissary Restrictions Comments			

General Information

Administrative Hold Indicator: No
 No Power of Attorney: No
 Never Waive NSF Fee: No
 Max Allowed Deduction %: 100
 PIN: 1122
 PAC #:
 FRP Participation Status: No Obligation
 Arrived From:
 Transferred To:
 Account Creation Date: 8/8/2001
 Local Account Activation Date: 7/1/1991

Sort Codes:
 Last Account Update: 9/1/2006 2:08:48 AM
 Account Status: Active
 Phone Balance: \$16.41

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
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Account Balances

Account Balance: \$0.34
 Pre-Release Balance: \$0.00
 Debt Encumbrance: \$0.00
 SPO Encumbrance: \$0.00
 Other Encumbrances: \$0.00
 Outstanding Negotiable Instruments: \$0.00
 Administrative Hold Balance: \$0.00
 Available Balance: \$0.34
 National 6 Months Deposits: \$661.36
 National 6 Months Withdrawals: \$714.20
 National 6 Months Avg Daily Balance: \$31.55
 Local Max. Balance - Prev. 30 Days: \$98.19
 Average Balance - Prev. 30 Days: \$27.81

Commissary History

Purchases

Validation Period Purchases: \$0.00

YTD Purchases: \$1,070.15

Last Sales Date: 8/22/2006 7:22:10 AM

SPO Information

SPO's this Month: 0

SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No

Weekly Revalidation: No

Spending Limit: \$290.00

Expended Spending Limit: \$0.00

Remaining Spending Limit: \$290.00

Commissary Restrictions

Spending Limit Restrictions

Restricted Spending Limit: \$0.00

Restricted Expended Amount: \$0.00

Restricted Remaining Spending Limit: \$0.00

Restriction Start Date: N/A

Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
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Comments

Comments:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

JAMES KEITT,

Petitioner,

vs.

Case Number: 04-cv-00362E

UNITED STATE PAROLE COMMISSION,

Respondent.

/

PROOF OF SERVICE

The undersigned certifies that on the date below a true and correct copy of the foregoing "Application To Proceed In Forma Pauperis with Supporting Documentation" and Statement of Prisoner Account was conveyed to prison authorities for mailing in accordance with prison legal mail policy, with First Class U.S. Postage prepaid and properly addressed to the following party:

Christy C. Wiegand
Assistant U.S. Attorney
700 Grant Street, Suite 400
Pittsburgh, PA 15219

Date: 9/03/06

James Keitt
James Keitt #05240-016
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

September 3, 2006

James Keitt #05240-016
FCI McKean
P.O. Box 8000
Bradford, PA 16701

United States District Court
Western District of Pennsylvania
227 U.S. Courthouse
P.O. Box 1820
Erie, PA 16507

Re: Keitt v. U.S. Parole Comm.:
Court of Appeals No. 06-3802
D.C. No. 04-cv-00362E

Dear Clerk:

Please find enclosed for filing the original and three copies of Petitioner's "Application to Proceed in Forma Pauperis with Supporting Documentation and Proof of Service.

Your assistance is greatly appreciated.

Sincerely,



cc: file
: jc/dnr
: enclosure
: AUSA Wiegand